

MINUTES: Draft
Montana Fish, Wildlife & Parks UGBEPAC Meeting
FWP Region 5 Office
Billings, MT

May 11, 2010 (Meeting 6)

Advisory Council Members Present: Representative Julie French, Mike Begley, Jay Gore, Bernie Hart, Gordon Haugen, Bill Howell, Joe Perry, Craig Roberts, Senator Jim Shockley, and Dale Tribby.

Other staff present: Stan French (Daniels County Conservation District), Matt O'Connor (Habitat Forever, LLC), Jay Parks (BLM-Billings), Clive Rooney (DNRC), Matt Walker (NRCS), and Dennis Yurian (Habitat Forever, LLC).

Fish, Wildlife & Parks Staff Present: Ashley Beyer, Diane Boyd, Pat Gunderson, Gary Hammond, Drew Henry, Debbie Hohler, Quentin Kujala, Bob Lane, Ken McDonald, Ray Mule', Rick Northrup, Brad Schmitz, Jay Watson.

Tuesday, May 11.

1. **Opening.** Representative French called the meeting to order at 8:00 am.

Minutes from March 24, 2010, were approved with the following corrections noted:

- With regards to the photos handed out (item #10), need to change "emergency supplemental feeding" to "winter conditions."
 - Add Diane Boyd and Alan Charles to list of staff present.
 - Provide council with "percentage" of dollars spent on pheasant releases and feed costs.
2. **Council continued discussion on pheasant releases.** Bob Lane described the ARM and the percentage of funds used on pheasant releases. Jay Gore asked if the Council could ask for legislation to amend statute regarding UGB releases. Joe Perry added that many people are not supportive of pheasant releases, but he recognizes the social importance and would like to move on to other topics. Joe added that FWP – not the Council – should initiate/recommend any legislative

changes, if deemed warranted. Jay stated that FWP has been spending more than 15% which helps to build expectations. Rep. French emphasized the need for good public relations and communication with the pheasant raisers.

3. **Council discussed contract recording.** By recording the abstract, the department is given notice of potential land sales. Bob Lane also noted that an easement can be used for hunter access. A sliding scale approach may also prove useful: (1) With larger contracts, hunter access may be perpetual. In other words, larger projects may require access secured through an easement. (2) For smaller contracts (<\$5,000), liquidated damages may be more appropriate. (Begley) Consider, sliding scales may be too complicated to implement (Perry). Bernie hart added that things need to be kept simple. A land-use license for 15 years may be feasible. This license would not be an easement, but it can be recorded (Kujala).

There is some justification for a person who wants out of a contract, but it's important for the cooperator to know what the stipulations are up front. A 25% liquidated damage would be appropriate (Perry). Sen. Shockley pointed out that administrative fees are different from liquidated damages; still wants contracts recorded as abstract.

Use FWP's example where using their percentage of liquidated damages: use 25% of total project cost for overhead, making sure hunting access should run entire length of contract. Motion by Joe Perry, seconded by Sen. Shockley. Mike Begley moves to amend.

As a point of discussion, Mike Begley asked if there should be a time frame after the contract term. Mike Begley moved to amend: *FWP and hunters can access property, after a significant capital expenditure, beyond the course of the contract.* Seconded by Sen. Shockley.

Council discussed the idea of "capital expenditures/investments." For any project over \$100,000, FWP needs to propose the project to the Fish, Wildlife and Parks Commission for endorsement. Additionally, for any land acquired by FWP, the state Land Board would need to look at the land when the proposed land acquisition is greater than 100 acres or greater than \$100,000. The Land Board could provide criteria through delegation.

After this discussion, Mike Begley withdrew his amendment. Joe Perry seconded. The motion was rescinded because the Council needs more information about the Land Board. It's important to simplify the process.

Dale expressed his concern that a landowner had to maintain access for the life of the contract. He recommends that the Council consider that it's not good to not give the landowner a way out of the contract. Craig Roberts agreed and stated that there needs to be a mechanism in place so a cooperator can lawfully get out of the contract. It may be unfair to have access mandated in the contract beyond the term of the contract. Rick Northrup added that FWP needs to consider how mandating access in this fashion in smaller communities may not be too marketable.

Mike Begley pointed out that when working with a cooperator who is in Block Management, the cooperator is willing to allow access. Pat Gunderson added that sometimes UGBHEP projects lead to Block Management contracts.

4. **Update and presentation on status of UGBHEP on State lands:** Matt Walker and Gordon Haugen. Refer to Matt Walker's presentation handout. The current area is in crested wheatgrass. The local Pheasants Forever chapter is willing to underwrite the chiseling on the proposed site. In terms of the contract, FWP needs a guarantee from the Chapter that maintenance will be taken care of as outlined in the contract.
5. **Licensing trends and potential impacts to Montana's economy,** Hank Warsech, FWP License Bureau Chief. Hank handed out several graphs and charts to the Council during his presentation. Discussion followed.
6. **R5 presentation on local habitat projects.** Ray Mule', Matt O'Connor (HF), Jay Watson, Jay Parks (BLM), Dennis Yurian (HF). Region 5 presented the Council with UGBHEP projects occurring on Yellowstone WMA, Pompey's Pillar, and Sundance WMA. Discussion followed.

Rep. French asked how contracts worked with the Habitat Forever Memorandum of Understanding (MOU). Similar to contracts, the elements of the habitat work conducted on these sites are addressed through the work plans. Work plans include proposed project type (nesting cover, food plot, shelterbelt, etc.), acres treated, a breakdown of approximate costs for partners, and dates of

practice. Rep. French stated that the strategic plan needs to address MOUs with clarity.

Sen. Shockley stated he would like to see a preference on these MOUs with public agencies but doesn't want to see micro-management. Regional differences will reflect needs to work on public land versus private (*Perry*).

7. ARM and statute review. Bob Lane, Chief Legal Counsel.

Bob described Montana's constitution that provides a broad framework for government. Statutes are adopted by the legislature. Legislation delegates a legislative act to an agency; agency abides by statute.

In terms of the strategic plan and implementation, need to have rules (statute) binded to the agency to make parts of the strategic plan enforceable. All ARM need to go before the public (hearings) as defined in the Montana Administrative Procedure Act (MAPA). Through this process, the public is given opportunities to participate in the process. Rule notices are received by the public via news releases. Hunter regulations are the exception to MAPA. The strategic plan should fit the rules, but may need to change statute or a proposed change to ARM.

Rep. French noted that the language to establish a strategic plan requires that the Council knows the UGBEP statutes. Recommendations may be made as an advisory council and can include recommendation to the rules (ARM) and statutes. The Council needs to look at statute and ARM and determine if the ARM and statutes are reflective to the recommendations for the strategic plan. All recommendations are formally made by the Council, and it's up to FWP how to implement the strategic plan.

8. Council discussed project definition.

Consider R5's habitat enhancement efforts: includes multiple agencies, many areas, different criteria. This particular example needs to be defined in the strategic plan. Sen. Shockley suggested that projects should be defined within a timeframe; maintenance activities would not be included as part of the \$200,000 cap. He added that ARM could address and define "project." Dale stated that FWP shouldn't split contracts to "get under the spending cap." Joe Perry pointed out that the biggest expense is an easement. Rep. French pointed out that legislators are uneasy about big expenditures. Bob Lane suggested language

be in place to distinguish between “projects” and “conservation easements (CE).” There is a strong need to be accountable to the public but should not “tie FWP’s hands” with regard to projects and CEs (*Perry*). Rep. French emphasized that a project with an individual landowner would not get more than \$200,000 – this is the original intent of the statute. Mike Begley pointed out that the intent may have been with the “landowner,” but the statute specifies “project” and not “landowner” as the driving force behind the spending cap.

The Council discussed whether a CE can be a “project.” The evaluation is open to interpretation. Bob Lane pointed out that a CE can be a project, but it’s a departmental policy decision. Ken pointed out that FWP currently interprets a CE as 1 project. Habitat treatments that follow are also projects.

Bernie pointed out that if CE are passed by, will have missed opportunities. There is a need to be clear on the \$200,000 spending cap and how it applies to 1 landowner (*Rep. French*). Rick commented that it would be odd to walk away from a conservation easement and then not do follow-up maintenance work; the Council will have oversight. Craig added that CE is also a very public process. It’s also important to consider maintenance needs on these easements (*Mule’*).

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9. **Council continued discussion on licenses and associated revenues.** The UGBEP does not get license dollars from turkey licenses, and the Council thinks a portion of turkey license dollars should go to the UGBEP. Ray Mule’ pointed out that turkey hunters must buy an UGB license in addition to a turkey license, but nonresident hunters don’t need to buy an UGB license when they purchase a turkey license (UGB license is optional).

In 2008: 1,500 nonresident turkey licenses were sold
24,000 resident turkey licenses were sold

Council discussed potential license fee increases or changes to age requirements (i.e., change senior citizens age from 62 to 65). Future funding opportunities/ideas need to be addressed in the strategic plan (*Gore, Rep. French*). Bill suggested not pursuing a fee increase until the “savings account” was spent down; an increase would be hard to justify. It would be good to get an idea from regions the projected costs for private and public projects; also important to

know when the UGBEP gets going on projects on State lands (*Haugen*). Rep. French pointed out that the audit recommended looking at how money is spent, ensure money is not overloaded in 1 region over the other, and considerations made as to the amount of birds harvested over money going into projects (*Rep. French*).

10. Council continued discussions on pheasant stocking. FWP should develop a strategy to reduce/remove reliance of pheasant stocking. Last year FWP spent \$150,000 on pheasant stocking efforts – imagine the opportunities if this money was focused on habitat projects. Can't just stop releasing, but a strategy needs to be in place to include educational mechanisms. As the savings account is being reduced, there needs to be a social and political process in place in northeast MT with a focus to reduce the 15% of the revenue spent on releases. Is there a mechanism where the Council could recommend to FWP that it can “wean itself” off of the 25% required spending of the annual 15% (*Perry*). Need to keep in mind that statute says FWP has to set aside a minimum of 15% of the annual revenue for UGB releases, but educational support from Drew and Scott can begin anytime (*Rep. French*). Bernie added that the Council needs to consider supplemental feeding – don't want to use up all of the 15% release funds in case money is needed for feeding. Bill suggested that the UGBH biologists to take photographs of projects – before and after - to demonstrate success and history of the money being spent.

11. Coffee Creek discussion. Craig Roberts provided an overview and history of the Coffee Creek CE acquisition. Handouts presented to the Council included the deed of CE (handed to Rep. French), the “Dear Interested Person” letter, the management plan, and Ed Smith's 04/28/2010 letter to Gov. Schweitzer. Discussions included the history of Coffee Creek CE acquisition. Out of the 67 comments received, all but 2 were positive/supportive. The remaining 2 were neutral.

Discussion on the first UGBEP Council that included Ed Smith, Chair, Craig Roberts, and Joe Ball. Rep. French asked for the minutes.

Rep. French stated that the UGBEP is in a new realm using Habitat Specialists. There are 2 different components going on: (1) MOUs (not currently defined in ARM) and (2) contracts. There is no mention of MOUs in ARM, and there needs to be.

Craig added that the Habitat Specialist does not do any work on previously signed contracts for Coffee Creek. Jay asked what interpretation did FWP use to hire the Habitat Specialists. Dale clarified that FWP did not hire the Habitat Specialists and considers this similarly to hiring contractors because FWP did not hire using an FTE. Ken replied to the Council that FWP's intent was to build capacity of the program through the Habitat Specialists. Rep. French pointed out that these partnerships are not reflected on a contract. Sen. Shockley supports these efforts, but recommends that ARM addresses these MOU; the department needs transparency through the ARM. Sen. Shockley views an MOU as a contract.

Rep. French and Sen. Shockley had asked Joe Maurier, FWP Director, to remove Coffee Creek CE from the FWP Commission's agenda (05/13) until the UGBEP Council has a chance to meet because issues remain about the need to address how this process is incorporated into the ARM. Gordon stated that a lot of work has been conducted on the Coffee Creek proposed CE acquisition, suggests the Council pass a resolution. Rep. French reiterated that the \$200,000 was still an issue and asked Craig who gets this money. Craig replied that the chapter will get the money (Pheasant Forever, Inc. holds the title to the property), and the chapter will resume other conservation projects. Some of the money will go to pay off the loan. Joe stated that he doesn't think our cooperators should have to defend their contracts. Rep. French stated that the crux of the problem is that ARM doesn't reflect what FWP is doing in regards to these kinds of projects. Joe also pointed out that the Council has visited the Coffee Creek project, and regardless of the ARM or other issues the Council needs to address, if the Council can't support that kind of project, then something is wrong with the process. Joe asks the Council what they can do to correct this current situation and asks if the Council can vote for a letter of support. Rep. French replied that any member can make a motion on anything or write a letter. The quicker way would be to make a motion for FWP to immediately contact Director Maurier to get the Coffee Creek conservation easement back on the Commission's agenda. Rep. French stated that the Council and FWP need to be sensitive to expenditures. The Coffee Creek CE is \$200,000, also need to consider the MOUs and other expenditures – cautions to not put all "eggs in one basket."

Recognizing there are still problems with the ARM that the Council needs to address, Joe Perry moved that the Council notifies the department as of today to

move forward with the Coffee Creek easement as soon as possible. Motion seconded by Bernie Hart.

Mike Begley had his hand up earlier before the motion. With respect to this motion, Mike would add that there is no valuation with the respect for permanent access for kids. It is his sense that this needs to be directed immediately to Director Maurier and back on the Commissions' agenda now. There is opportunity here for a lot of kids and a lot of work has been done. Jay would like to amend Joe's amendment to the effect:

Recommends to proceed with the CE in order to protect the past 11 years of conservation habitat investments and to ensure future conservation measures.

Mike Begley added that the word "immediate" needs to be included in the amendment. Note: This is a friendly amendment. New motion to read:

Chairwoman French will immediately notify the department to move forward with the Coffee Creek CE in order to protect the past 11 years of conservation habitat investments and to enhance future conservation measures.

Motion carried unanimously.

Craig wished to clarify what will happen to the money if the CE is consummated. In 2.5 years, PF raised \$582,000 for Wolf Creek, of which \$407,000 paid against Wolf Creek. Craig can't say that all of the money will go into "debt retirement," but some of it will.

12. Conservation Easements in Regions 6 and 7. Pat Gunderson, R6 Supervisor, and Brad Schmitz, R7 Supervisor, presented information about conservation easements in their regions.

Brad: CE take an extraordinary amount of time to put together. FWP is looking to conserve wildlife habitat benefits and values and hunting opportunities. Brad described the history of CE acquisition in R7 (approximately 60 sections of land). No UGBEP dollars went into CE acquisition, but UGBHEP dollars were spent on enhancement activities. Although CE seem expensive at first, need to consider the conservation restrictions combined with the required public access. The Brewer Ranch CE was discussed as an example. The Brewer Ranch was recently sold, the value to the new owner was the grazing system in place. Brad concluded, and thanked the Council for their hard work.

Pat: There are many opportunities for habitat conservation along the Milk River. He described the Olson easement and management plan. Pat gave a brief overview of the grazing system and other habitat enhancements. He described the benefits of conservation easements versus fee-title: builds partnerships, weed management and other logistics are taken care of by the landowner. Additionally, the state does not pay taxes. Pat described the proposed Lower Brazil Creek CE (153 acres). Estimated easement costs are \$125,000 – \$150,000 – the UGBEP would pay approximately \$50,000. Land along the Milk River has been appraised at \$2,500 per acre; this is recreational value, not ag value.

As program development is ongoing, R6 has been getting federal dollars to cost-share. If FWP bought this “fee-title,” could not cost-share with NRCS. Craig added that there is a \$24,000 WHIP contract on the Wolf Creek property. Pat handed out the coversheet for the comment period (due May 13). There are 2 other proposed CE that will go before the commission in June: the Cottonwood Bend CE (160 acres) along the Milk River and the Lower Beaver Creek CE (463 acres). Pat noted that Habitat Montana money is no longer available – money is going to lands out west. The region looks to other smaller opportunities.

Rep. French asked if there were any opportunities to do larger projects on state lands in Daniels County. Pat responded that while it would be good, much of Drew’s efforts will be in the Plentywood area. The Sheridan County MOU was also discussed. Through the MOU, UGBEP pays for County salaries and fuel. Collectively, the UGBEP will spend \$350,000 on these 3 CE. This money is leveraged with Canyon Ferry Trust money, Duck Stamp program dollars, and SWIG dollars. It’s about a 50:50 federal to state match. Gordon asked if FWP would ever consider less than the 40% of the appraised value, such as 30%, in order to get more dollars leverage. Ken responded that it’s likely the appraised value comes in at 50%, but FWP will generally pay 40%.

Joe asked if it would be appropriate for the Council to endorse the Lower Brazil Creek CE since the comment period ends tomorrow.

The UGBEP Advisory Council will endorse the Lower Brazil Creek Conservation Easement acquisition. Motion by Joe Perry, seconded by Jay Gore.

Comments:

Dale asked Pat what the UGB opportunities along the Milk River? The opportunities for pheasants and turkeys are good. Huns may be a little more limited. There will be improvements, so increased opportunities for hunters, but the region does not want to try and increase hunter-days by pushing more hunters into these enhanced areas. The region estimates that there are 200 hunter-days of which 40 to 50% will be UGB hunters. (Pat)

Mike Begley asked about licensing – why aren't combo license dollars going to areas like the Milk River since there are great opportunities for big game hunting as well.

Council is ready to vote on the motion: none opposed, motion carried.

13. Rep. French gave an update to the Council on her call to the Director's office.

A message was left on the answering machine, and Ken called and left a message with Art Noonan to let him know the Council requests that the Coffee Creek easement be put on the Commission's agenda.

14. Council discussed Regional plans. Rick provided a recap on the surveys sent to the regional wildlife managers:

- What are the highest priority UGB species in the region that can be addressed through the UGBEP?
- What are the UGB resource opportunities and limitations in the region by species?
- Are there UGB species at risk that could benefit from the UGBEP?
- What opportunities, potential or realized, are there in the region for developing partnerships with agencies, government entities, and local communities?
- What geographic areas – if any – could be considered as potential focus areas?
- What are the capabilities or limitations of the region to effectively deliver the UGBEP?
- Additional comments.

All the regional managers received this survey. Region 6 has written a draft plan. Council needs to recognize the regional differences and the priorities for the bird species.

Comment by Ray Mule':

The biggest obstacle for R5 is delivering the program on private lands. Private landowners are not willing to accept the public access component of the program. The focus for program delivery is on public lands. Personnel are also involved in many other facets of wildlife management. The Habitat Specialist's position would be reflected in the regional plan. Ray would like to see the position continue and expand program delivery. The regional plan would address this in the long-range planning. Rep. French agreed that the long-range planning would incorporate the Habitat Specialist as well as the HF MOU.

Joe considered the need to have some measure of equality between regions – as stated in the audit. It appears difficult to be equitable considering much of the UGBEP focus is in the eastern part of the state. How is it possible to be equitable with Regions 1, 2, 3? Rep. French recalled Paul McGinnis's comment on getting logistics to Region 3 (during the Conrad meeting); also doesn't feel it can be equitable in all regions, but shouldn't have all money go to one region.

Dale has 3 comments about the plan that he would like to bring to the attention of the Council:

- (1) Funding issue. Council may want to consider a division of these funds over a 5-year period. He is not saying that "X" amount goes to conservation easements, etc. His concern is that the department has hired 3 new biologists. Through their efforts, FWP will have committed a sum of dollars early. FWP needs to ensure that there will adequate dollars are available to work with private landowners.
- (2) Wild turkeys are not mentioned in these plans. Suggests that wild turkeys receive more attention.
- (3) Impediments to getting things accomplished. For example, FWP's insistence of 3-treatment rest-rotation grazing systems. Dale believes there are other grazing systems that could be more appropriate and asks that other grazing systems be presented at future meetings. Currently, it's difficult to merge BLM and FWP grazing systems. Dale would like FWP to reconsider other grazing systems.

Matt Walker agrees with Dale's comment. The NRCS also has other grazing systems – such as deferred systems. FWP may be missing out on access opportunities.

Pat Gunderson recommends that Mike Frisina, FWP Range Coordinator, be here. Pat pointed out that (1) cattle are selective grazers, but sometimes they select 100%, and (2) deferred grazing can take the “best.” Pat updated the Council with the Remuda Ranch project: there are 5 sharp-tailed grouse leks with close to 150 males. One lek had 60 to 80 males on it.

Joe agrees with Dale’s points. Important to have money left over for the biologists. The Council looks to the biologists to leverage dollars with other agencies.

Diane asked for a point of clarification on spending. About half of the UGBEP revenue goes to the 4 biologists and the pheasant release/supplemental feeding program. Joe mentioned there is also another pot of money.

Sen. Shockley stated that he considers CE better than fee title because they don’t have the maintenance issues.

Jay pointed out that as the program matures, we will likely seek other funding sources.

Joe asked the biologists how projects are going. Will look to this October for a full update.

- (1) Ashley has been working on grazing systems with NRCS; often has to wait to ensure EQIP funding comes through. This takes time. Ashley has also worked on food plots and shelterbelts.
- (2) Drew has been focused on food plots and shelterbelts. Landowners have been very receptive. NRCS has been contacting Drew with projects.
- (3) Diane has been working with 13 landowners, considering size and scope of project, and looking forward to the strategic plan.

Sen. Shockley asked if the federal government could provide money upfront. Matt stated this couldn’t happen because no money can be awarded until the project has been started.

Gordon added that EQIP or WHIP programs initiated in 2011 need to apply in 2010. There are both NRCS and FWP timeframes to consider. Ken

mentioned that there is an opportunity to cost-share salary as well so that FWP can capitalize on the Farm Bill opportunities.

Dale commented on Joe's question to the UGBH biologists and the reports by field biologists. Ashley's work has been meeting people. What Ashley has "on the books" will be difficult to assess by this fall – will not be a good indication on what we can expect.

Mike asked the biologists if they are quality versus quantity controls when projects are assessed. What kind of direction is there? Rick noted that with regional planning, it has forced discussion on the best way for building program capacity. From a Helena perspective, hoping project development is more purposeful rather than opportunistic (as it has been in the past).

Diane pointed out that there are regionally differences. Diane's area is not short on food availability. Mike stated that things seem more opportunistic at this point, but can build synergy in the local area. Diane would like to see some guidance or direction for other UGB species – not just pheasants.

Bill feels that the direction would come from the managers. Rep. French defined the Council's role as a review and advisory component, these actions will also help provide guidance.

Jay asked how the regional strategic plans will fit in the document. R6's strategic plan will be a template for the other regions to use. The regional plans will be incorporated into the final document.

- 15. Rep. French updated the Council with her call from Dir. Maurier.** The Coffee Creek CE will go on the agenda tomorrow at the Commission meeting. Dir. Maurier asked Rep. French if she was comfortable with the Council's motion. Because Rep. French is not a voting member, she still is responsible to carry out the wishes of the Council (unanimously approved). *Rep. French went on record to state she is uncomfortable with this CE because of the amount of money involved.* FWP and the Council will need to grapple with how the money (\$700,000) will be proportionally spent up each year. Rep. French added that easements will take up a huge chunk of the revenue. Rep. French further stated that she felt it was important that Craig had an opportunity to publically refute Ed Smith's letter but also encourages Craig to visit personally with Ed Smith.

16. Council continued discussion on strategic plan. The Council reviewed updates on the strategic plan with noted refinements. All changes will be incorporated into a draft document at the next Council meeting. Highlights and discussion include:

- Public and private lands are equally important for access.
- Cost-sharing on public/private lands and alignment of statute – clarification that there is no cost-share required unless required by statute. With the exception of Ninepipes, UGBEP projects are not done on reservations because the tribes require a tribal license – acts as a fee, which precludes UGBEP opportunities.
- FWP should meet with the Dept. of Livestock to discuss pheasant raising standards and what it would entail to establish standards.
- Regarding the section that states that “FWP will develop 3-year contracts for pheasant releases,” *Jay Gore went on record opposing multiple-year contracts.*
- Pheasant releases and partitioning of funding: Mike Begley stated that partitioning funding affects habitat partitioning. Sen. Shockley feels we shouldn’t “micro-manage” the department. Joe Perry responded that the department has asked for input on partitioning and feels the partitioning should stand. A partitioning component, including leveraging funds, will be included in the strategic plan.
- NRCS cost-model discussion. Debbie updated the Council over a meeting with the legislative auditors – they cannot make recommendations, but they clarified that the UGBEP must have receipts for payment as stated in statute and ARM. Using the NRCS cost-model would help streamline program implementation in the field. Ray Mule’ stated that using a set rate would be a vast improvement rather than “chasing receipts.” To conclude: FWP would allow for either approach (NRCS cost-model or establishing costs from businesses). If FWP’s standard costs weren’t fitting for the circumstance, then requiring receipts would be instituted.
- Contract discussions and the \$200,000 cap will be postponed for the next meeting.
- Access components and Block Management – refinement was added to the document.
- Public Lands and payment of a “differential.” FWP needs to define this “differential” or account for the difference on land taken out of production for habitat enhancement work. The Council will revisit this topic at the next meeting.

- **Emergency Supplemental Feeding:** Rep. French recommends that the regional manager endorse the regional feeding, when needed, and have access to a regional budget. Ken responded that this is a program implemented under emergency conditions – it's not a "base budget" item. The money is there when it's needed. Sen. Shockley provided an example on spending at the regional level - offered that the money stay in Region 6 in case conditions warrant that it be spent. If the money is not spent that year, the region could keep the money and spend it on habitat projects. Joe Perry asked Ken if the "system is broken;" Ken stated "no." Rep. French pointed out that part of the duties of the regional manager is to make these kinds of decisions. A discussion on FWP's "centralized" or "decentralized" management ensued. Rick gave some insight into the past history of FWP when it was more "decentralized." He asked why the one component (supplemental feeding) should be treated differently than how the rest of the program was administered. Joe recommended that this subject be dropped and the Council moves on. He feels there has been enough communication between the Council, Pat Gunderson, and Ken McDonald that addressed this issue.

Rep. French went on the record stating that she disagrees with the current setup (i.e., in order to get endorsement to supplemental feed pheasants, the region communicates to Helena that the criteria has been met), but she is willing to move on to other subjects.

Further refinement to ARM was offered by the Council. Dale commented on the proposed to ARM regarding supplemental feeding for UGB. Dale suggested we delete "pheasants" under the section that speaks to not feeding UGB during "open pheasant season" and put instead, "open hunting seasons" to remain consistent. Joe Perry wants to ensure the ARM states that we are only feeding pheasants. No changes made to suggested ARM rule change.

16. **Council continued discussion on revisions to ARM.** Rep. French thinks it will be important to have all of the Council's recommendations together in the strategic plan document. The plan should also have Council's recommendations embedded in the plan. Rep. French also wants to ensure that contract violations and penalties, along with the strategic objectives with performance measures, are in the document. Sen. Shockley expressed his concern that the Council has yet to come up with recommendations to FWP to resolve the contract violation issues. Mike Begley added that the Council needs to review the Legislative Audit to ensure the Strategic Plan incorporates everything the audit addresses.

When Council's recommendations for the strategic plan is finalized, Rep. French encouraged the Council to send a letter to FWP – to be also a part of the report handed to the Legislature – that states what the advisory council came up with for recommendations that includes how the Council addressed components of the audit.

Ken asked if the Council was close to agreement with the draft contract that Debbie handed out yesterday. Sen. Shockley stated that the "recording" of the contract was the biggest problem he saw with the current process. Mike Begley stated that "recording" is still unresolved. Sen. Shockley emailed Bob Lane and the Council with his thoughts on recording and language in the contract about the recording of the abstract. Rep. French added that language is needed for when somebody wanted out of their contract.

Landowners and Marketing. The "new" ugb biologists have created a flyer addressing program opportunities for landowners. Rep. French stated that FWP can come up with a marketing strategy – Ron Aasheim does not really need to be at the Council's meeting at this time. Ken has visited with Ron, and there will be a strategy on outreach and communication once the strategic plan is finalized. Ron can send this out to the Council.

Rep. French began discussions on how often the Council should meet after the strategic plan is in place; she suggested the Council meets after the plan is initiated, then perhaps once a year. The Council also needs to decide how long their term is for – 2 years? 4 years? Joe mentioned that the Council member roles are not clearly defined.

Council Recommendations Section. The performance measures will help both FWP and the Council assess overall program function.

General Council recommendations. The Council went over the final list (side points) at the end of the draft outline to ensure these are points they want included in the final document.

Craig Roberts brought up the discussion on MOUs with conservation organizations where FWP pays 100% of the material cost plus an additional 10% of the material cost to the organization. This MOU is in ARM. In the draft

outline, it is written that conservation organizations receive “110% reimbursement” of material cost – this is confusing – need to change it so it reads like the ARM.

Debbie has started writing the strategic plan. Rep. French is hoping to meet in November to sign-off on the document. Mike Begley is concerned that we may not have time to get to this part. Still need to develop performance measures and the funding component. Rep. French stated that the next meeting will be devoted to funding and performance measures.

Rick Northrup informed the Council that FWP has been working with FSA to implement a new UGBHEP implementation that would provide add-on rental payments to qualified producers who enroll agricultural land into CRP. This program is open to new enrollments and re-enrollments both on private and State lands.

17. Public comment period. Nobody was present for public comment.

18. Wrap-up and adjourn. The next Council meeting will be held in Helena on July 26 and 27.

19. Representative French adjourned the meeting at 3:00 pm.